

GORDON H. DEPAOLI, NSB #195
Woodburn and Wedge
6100 Neil Road, Suite 500
Reno, Nevada 89511
Telephone: 775-688-3000
Email: gdepaoi@woodburnandwedge.com
Attorneys for Defendant Truckee Meadows Water Authority

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)	In Equity 3:73-cv-00003-MMD
)	
Plaintiffs,)	NOTICE OF PETITION
)	
ORR WATER DITCH CO., et al.,)	
)	
Defendants.)	

TO ALL INTERESTED PARTIES:

YOU ARE HEREBY NOTIFIED that Truckee Meadows Water Authority has filed a Petition for Order Recognizing and Confirming Changes in Point of Diversion, Place of Use and Manner of Use of Decreed Water Right, such right being identified as Claim No. 5 of the final decree issued by this Court on September 8, 1944 (the "Orr Ditch Decree").

YOU ARE FURTHER NOTIFIED that the Petition seeks an order recognizing and confirming the following changes to Orr Ditch Decree Claim No. 5 as changed previously by the Order of March 14, 2002

(a) Changing sufficient water from the 1899 portion of the water right of 325 cubic feet of water per second, to be diverted at the point of diversion for Claim No. 6, the Fleish Power Ditch and Flume, which has its intake, or point of diversion, on the east bank of the Truckee River in the SE 1/4 of the SE 1/4 of Section 19, T. 19 N., R. 18 E., M.D.M., to deliver, after transportation

1 loss, to the wheel of the Fleish Hydro-Electric Power Plant, 50 cubic feet of water per second for
2 hydroelectric power generation, in addition to the 327 cubic feet of water per second allowed under
3 Orr Ditch Decree Claim No. 6;

4 (b) Changing sufficient water from the 1899 portion of the water right of 325 cubic feet
5 per second, to be diverted at the existing point of diversion for the Highland Ditch which is
6 described in Orr Ditch Decree Claim No. 98 as on the north bank of the Truckee River in the SW
7 1/4 of SE 1/4 of Section 9, T. 19 N., R. 18 E., M.D.M., to deliver after transportation loss, to a new
8 hydroelectric power plant, the "Highland Canal Hydroelectric Project," located within the NE 1/4
9 of the SE 1/4 of Section 17, T. 19 N., R. 19 E., M.D.M., 100 cubic feet of water per second, for
10 hydroelectric power generation and after such use for discharge back to the Truckee River within
11 the NE 1/4 of the SE 1/4 of Section 17, T. 19 N., R. 19 E., M.D.M.

12 (c) Changing the remainder of the 1899 portion of the water right of 325 cubic feet per
13 second of Claim No. 5 of approximately 175 cubic feet of water per second to instream use from
14 the original point of diversion to the point of discharge back to the Truckee River at the Farad
15 Power Plant for the benefit of fish, wildlife and recreation; and

16 (d) Confirming that 75 cubic feet of water per second, with a priority of the year 1906
17 under Claim No. 5, shall continue to be used for instream uses from the original point of diversion
18 to the point of discharge back to the Truckee River at the Farad Power Plant for the benefit of fish,
19 wildlife and recreation, as provided in the Order of March 15, 2002.

20 **YOU ARE FURTHER NOTIFIED** that any objections thereto must be filed herein on or
21 before a date which is no later than thirty (30) days after the last date of publication of this Notice.
22 If no objections are so filed, at the Court's discretion, an order may be entered based on the facts
23 set forth in the Petition.

1 **YOU ARE FURTHER NOTIFIED** that any water users or interested persons may
2 request a copy of the aforesaid Petition by contacting Gordon H. DePaoli via regular mail to 6100
3 Neil Road, Suite 500, Reno, Nevada 89511, or via telephone at 775-688-3010, or via electronic
4 mail at gdepaoli@woodburnandwedge.com.

5 **YOU ARE FURTHER NOTIFIED** that depending on the status of limits on physical
6 access to the U.S. District Court Clerk's Office, 400 S. Virginia Street, Reno, Nevada, the Petition
7 and supporting documents may also be available for examination by any interested party at the
8 Office of the Clerk, subject to courthouse entrance protocols.

9 DATED this 28th day of June, 2021.

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UNITED STATES DISTRICT JUDGE

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2
3 **IN THE UNITED STATES DISTRICT COURT**
4 **FOR THE DISTRICT OF NEVADA**

5 UNITED STATES OF AMERICA,) In Equity 3:73-cv-00003-MMD
6)
7 Plaintiffs,) **ORDER REQUIRING NOTICE OF**
8) **PETITION OF TRUCKEE**
9 ORR WATER DITCH CO., et al.,) **MEADOWS WATER AUTHORITY**
10) **FOR ORDER RECOGNIZING AND**
11 Defendants.) **CONFIRMING CHANGES IN**
12) **POINT OF DIVERSION, PLACE OF**
13) **USE AND MANNER OF USE OF**
14) **DECREED WATER RIGHT**
15 _____)

16 GOOD CAUSE APPEARING, it is hereby ordered that the Motion for Order Requiring
17 Notice of Petition and for Publication of Notice filed herein by Truckee Meadows Water Authority
18 is granted.

19 Notice of the Petition shall be given by publishing a copy of the Notice of Petition in the
20 Reno Gazette-Journal and the Sierra Sun once a week for four consecutive weeks.

21 Truckee Meadows Water Authority is relieved of any further service or notice obligations
22 with respect to this matter.

23 DATED this ____ day of _____, 2021.

24 _____
25 UNITED STATES DISTRICT JUDGE
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